

# UNDERSTANDING OF THE MUSLIM COMMUNITY REGARDING THE BARTER TRADE LAW INVOLVING MUNCIBUT EXAMINED FROM THE PERSPECTIVE OF INDONESIAN ULEMA COUNCIL FATWA NO. 48 OF 2019 ON THE CONSUMPTION LAW OF SQUIRRELS AND CHIPMUNKS (CASE STUDY IN NDOKUM SIROGA VILLAGE, SIMPANG EMPAT SUB-DISTRICT, KARO REGENCY)

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## ABSTRACT

*"The title of this research is: Understanding of the Muslim Community Regarding the Barter Trade Law Involving Muncibut Examined from the Perspective of Indonesian Ulema Council Fatwa No. 48 of 2019 on the Consumption Law of Squirrels and Chipmunks (Case Study in Ndokum Siroga Village, Simpang Empat Sub-district, Karo Regency)." The practice of buying and selling involves the exchange of goods or ownership. Muncibut is a medicinal concoction in the form of dry and wet powder made by grinding or pounding dried plants first. In the local language, "tawar" means medicine, and "mencibut" in the Karo language refers to flying squirrels that can fly and climb. Thus, "tawar mencibut" is medicine made from certain plants and squirrel body parts. This thesis discusses the practice of buying and selling "tawar mencibut" in Ndokum Siroga Village, Simpang Empat Sub-district, Karo Regency. It investigates the factors contributing to the occurrence of such transactions and examines the legal status of buying and selling "tawar mencibut" from the perspective of the Indonesian Ulema Council Fatwa No. 48 of 2019 regarding the law of consuming squirrels and chipmunks. The research aims to elucidate the practice of buying and selling "tawar mencibut" in Ndokum Siroga Village, Simpang Empat Sub-district, Karo Regency, describe the factors contributing to the occurrence of such transactions, and determine the legal status of buying and selling "tawar mencibut" according to the Indonesian Ulema Council Fatwa No. 48 of 2019 in Ndokum Siroga Village, Simpang Empat Sub-district, Karo Regency. This study adopts an empirical research design with a field research method. The approach utilized is a sociological approach and living case study. Legal materials are collected through observation, interviews, and document study. Data are analyzed qualitatively using deductive reasoning logic. The findings reveal that the practice of buying and selling "tawar mencibut" in Ndokum Siroga Village, Simpang Empat Sub-district, Karo Regency, indeed involves the use of squirrel body parts as the main ingredient. The factors contributing to the occurrence of such transactions are attributed to the strong belief of the community in their ancestors and the perceived benefits of "tawar mencibut." However, according to the Indonesian Ulema Council Fatwa No. 48 of 2019, the legal status of buying and selling "tawar mencibut" is deemed prohibited due to its use of squirrel body parts, which are forbidden by the fatwa. [*

Keywords: *Understanding, Law, Buying and Selling, Muncibut, Indonesian Ulema Council Fatwa.*

## 1. INTRODUCTION

Humans are created as beings that are "good" and "beautiful". They are provided with sustenance for the first time since birth with breast milk that has been processed from various fluids and blood in the mother's body, making it a refreshing and clean drink.

Humans are pressed with various obligations set by Allah so that they are willing to seek lawful sustenance. By resisting carnal desires, Satan, who often approaches to tempt and mislead, is sure to be repelled. For Satan always strives to infiltrate various human blood vessels, making it difficult for humans to obtain lawful sustenance that exists and circulates around them, if humans do not eradicate the forbidden until its roots. The issues of lawful and forbidden are so central in the view of Muslims, because it is the boundary between the right and the wrong, or further between heaven and hell.

Lawful and forbidden will always be faced by Muslims second by second throughout their lives. Thus, it indicates how important it is for us to know in detail the boundaries between what is lawful and what is forbidden. Understanding the issue of lawful and forbidden seems easy at first glance, but then becomes very difficult when faced with daily life, which sometimes becomes blurred and difficult to distinguish between what is lawful and what is forbidden, or even becomes doubtful, because it does not belong to either, or because of their mixture, as also acknowledged by Sheikh ul Islam Yusuf Qardlawi in the introduction to his work "al-Halal wa al-Haram fi al-Islam". The Muslim community in Ndokum Siroga Village is unaware of distinguishing between squirrels and chipmunks, and even some people consider chipmunks and squirrels to be the same. In the Indonesian Ulema Council Fatwa number 48 of 2019 concerning the law of consuming Chipmunks and Squirrels, the differences between chipmunks and squirrels are explained in general terms. Chipmunks are the common name for a group of rodents from the family Sciuridae. In foreign languages, chipmunks correspond to the word "Squirrel" in English, while squirrels correspond to the word "Treeshrew" in English. In biology, chipmunks are not the same as squirrels. The following are the differences between chipmunks and squirrels. From the perspective of scientific classification, chipmunks originate from the order Rodentia and from the family Sciuridae. Whereas squirrels originate from the order Scandentia and from the family Tupaiidae and Ptilocercidae.

1. Chipmunks are mostly arboreal, living in trees and not on the ground, while squirrels are mostly terrestrial, living on the ground.
2. Chipmunks have blunt mouths, while squirrels have more pointed mouths.
3. Chipmunks are mainly herbivores (eating seeds, nuts, fruits, mushrooms, and other plant materials), while squirrels are mainly insectivores or insect-eating animals.
4. Chipmunks have incisor teeth (cutters) and do not have canine teeth, while squirrels have canine teeth.

From the above explanation, it can be concluded that chipmunks and squirrels have many differences, in terms of characteristics, habitat, mouths, and others. In reality, the community in Ndokum Siroga Village, Simpang Empat District, Karo Regency, still consumes and trades processed squirrel organs. This product, called "tawar mencibut," is a traditional medicine mixed with various plants. The local community believes that "tawar mencibut" functions as a tonic and other uses. Consuming "tawar mencibut" is usually mixed with water or made into herbal concoctions. Regarding "tawar mencibut," there are at least several strong reasons why researchers want to investigate it. Firstly, one of the main ingredients of "tawar mencibut" is squirrel, so automatically the squirrel used is not slaughtered but hunted using an air rifle, making the squirrel a carcass. Then, why is it still consumed by the Karo Muslim community? Secondly, the title about the law of buying and selling squirrels is only discussed by researchers. Thirdly, to disseminate information about the fatwa regarding the law of consuming chipmunks and squirrels.

## **2. RESEARCH METODOLOGY**

The researcher undertook this study employing a structured approach to ensure its systematicity, accuracy, and analytical robustness. The research methodology encompasses various components:

1. **Research Type:**  
This study, when viewed through the lens of legal research, adopts an empirical approach with field research methodology at its core. It employs a descriptive-analytical nature, combining primary and secondary legal materials gathered from the field and analyzed through document studies. From the perspective of legal material processing, the research is qualitative in nature. Its primary aim is to observe and interview practitioners involved in the trade of "tawar mencibut" in Ndokum Siroga Village, Simpang Empat District, and subsequently analyze it against Indonesian Ulema Council Fatwa No. 48 of 2019 regarding the consumption of chipmunks and squirrels.
2. **Problem Approach:**  
The researcher employs a sociological approach to understand the sociological characteristics of the community. Additionally, the study utilizes the living case study approach to explore an event within the community that has not been considered problematic previously, focusing on the trade of "tawar mencibut" in Ndokum Siroga Village.
3. **Research Location:**  
The research is conducted in Ndokum Siroga Village, Simpang Empat District, Karo Regency.
4. **Legal Materials:**
  - a. Primary legal materials consist of Indonesian Ulema Council Fatwa No. 48 of 2019 regarding chipmunk and squirrel consumption, along with insights from interviews conducted with relevant stakeholders.
  - b. Secondary legal materials encompass non-binding sources providing explanations regarding primary legal materials, including legal literature and scientific journals related to primary legal materials.
  - c. Tertiary legal materials serve to provide further elucidation on primary and secondary legal materials and may include non-legal journals and online sources relevant to the research topic.
5. **Legal Material Collection Procedure:**  
Given the nature of the research as field research focusing on case studies, data collection instruments include observation, interviews with stakeholders such as buyers, sellers, traditional leaders, and religious figures, and document studies involving legal texts and related literature.
6. **Legal Material Analysis Processing:**  
The researcher employs qualitative data analysis to analyze collected data, including observations, interviews, and documentation. The deductive method is utilized to draw specific conclusions from general problems. Special attention is given to the Indonesian Ulema Council Fatwa, culminating in conclusions drawn from the examination of the trade of "tawar mencibut."

### **3. RELATED RESEARCH/LITERATUR REVIEW**

Here is a picture of chipmunks, the primary ingredient for "mencibut" and the finished product of "rawar mencibut".



#### 4. RESULTS AND DISCUSSION

**In designing this prototype made using the hardware the minimal with Arduino The following are the factors contributing to the occurrence of the trade of "tawar mencibut" in Ndokum Siroga Village, Simpang Empat District, Karo Regency:**

##### 1. Cultural and Traditional Factors:

According to Datang Surbakti, a member of the Karo customary council, "tawar mencibut" has been consumed by the Karo community for a long time. It is considered a cultural heritage passed down through generations by Karo ancestors, which is why the Karo people continue to use this traditional medicine. The local community's habit of consuming "tawar mencibut" is rooted in their trust in their ancestors. The use of this remedy is believed to be effective and beneficial for health. Local traditions surrounding the consumption of "tawar mencibut" are sustained by the community's reliance on ancestral wisdom, dreams, and daily observations, leading to improved health among its users. The advantages of using natural remedies include minimal side effects and relatively low costs due to readily available raw materials from nature, either grown or obtained from traditional markets. Thus, the Karo community still accepts natural remedies as treatment for various ailments, despite their sometimes inefficient use. Medicinal plants have long been utilized by ancestors for treating illnesses and maintaining health. This knowledge is passed down through generations or from individuals considered experts in traditional medicine. Various parts of plants, such as roots, leaves, stems, flowers, and fruits, can be processed into traditional medicines. Some

traditional medicines still believed by the Karo community to be effective include "minak pengalun" (Karo oil), "kuning," "tawar," "sembur," and "oukup" or steam baths.

## 2. Affordability and Accessibility Factors:

The community prefers using natural remedies for healing as they are believed to have more benefits and fewer side effects compared to chemical-based medications, which are perceived to have more side effects. Additionally, chemical-based medications are expensive, making them less accessible to the community. Traditional Karo medicines hold significance for the community, as they are commonly stocked in households for emergency use in times of illness. The Karo people strongly believe in the effectiveness of traditional medicines in maintaining health, boosting immunity, and treating various ailments. Libra Tarigan, an expert in making "tawar mencibut," also shares insights on the importance of this traditional remedy. He mentions that "tawar mencibut" has been crafted by his family for generations, and he is the sixth descendant in the lineage of "tawar mencibut" makers. The ingredients for "tawar mencibut" include the male squirrel's genitals, "bulung besan," "gagatan harima," "sitarkal" (moss), "acem" (sour), such as lime, and many others. According to Libra, the key ingredient for making "tawar mencibut" is the squirrel's reproductive organ, as it is believed to enhance the potency and efficacy of the remedy. The preparation process involves grinding all the ingredients using a mortar and pestle, then allowing the mixture to sit for a while until it emits a distinctive aroma, indicating readiness. The primary benefit of "tawar mencibut" is believed to be its efficacy in treating low sperm count. However, it is essential to recognize that the outcome ultimately lies in the hands of the divine, and while efforts are made, outcomes are subject to divine will.

### **The Law of Buying and Selling "Tawar Mencibut" According to MUI Karo Regency**

One of the most important aspects of human interaction is commerce, as it serves as a means to fulfill human needs through the exchange of goods or services for either other goods or a specified price (currency) based on mutual consent. It is acknowledged that sometimes commercial practices within society may violate the principles, conditions, or other regulations governing commerce. An example of this is the buying and selling of "tawar mencibut" (a traditional remedy), as viewed from the perspective of the Indonesian Ulema Council (MUI) Fatwa No. 48 of 2019 Regarding the Law of Consuming Chipmunks and Squirrels.

Based on an interview conducted by the researcher with the Chairman of MUI Karo Regency, Mr. Fakhri Tarigan, he stated that "tawar mencibut" is a traditional remedy used by the Karo community, administered orally. During the interview, he admitted his lack of knowledge regarding the legality of consuming this remedy. However, after discussion, he affirmed that according to MUI Fatwa No. 48 of 2019, consuming chipmunks or any food made from chipmunk body parts is forbidden (haram). As for the legality of buying and selling "tawar mencibut," he referred to a hadith narrated by Abu Dawud, stating that Allah has prohibited the sale of intoxicants and their proceeds, the sale of carcasses and their proceeds, and the sale of pigs and their proceeds.

The researcher also inquired about the awareness of the Karo Muslim community regarding this fatwa. Mr. Tarigan responded that in terms of education, the majority of the Karo people may still lack knowledge, not only about religious edicts but perhaps even basic Quranic literacy. Regarding the role they undertake, occasionally during their religious outreach efforts, they also convey the importance and function of the MUI.

## 5. CONCLUSION

Some conclusions that can be drawn from the elaboration above are as follows:

1. The practice of buying and selling "tawar mencibut" in Ndokum Siroga Village, Simpang Empat District, Karo Regency involves the exchange of products containing chipmunk body organs, which have been prohibited by MUI Fatwa No. 48 of 2019 regarding the Law of Consuming Chipmunks and Squirrels in point 3 of the legal provisions. Squirrels, as referred to in the general provision, are animals whose flesh is forbidden to consume due to their fangs.

2. The factors causing the occurrence of buying and selling "tawar mencibut" in Ndokum Siroga Village, Simpang Empat District, Karo Regency are twofold:

a. Cultural and traditional factors:

The consumption of "tawar mencibut" has long been practiced by the Karo community. It is considered a cultural heritage passed down from generation to generation by the Karo ancestors. Therefore, the Karo community continues to use this traditional medicine. Its usage is not without reason, as the local community deeply feels the effects and benefits of this medicine. The local tradition of consuming "tawar mencibut" is rooted in the community's belief in their ancestors. This traditional medicine, known as "tambar" in the Karo language, is still evolving and widely used to this day. The source of this medicine can be obtained from ancestral heritage, dreams, and daily observations, contributing to the continued improvement of the health of those who use it. There are several advantages to using natural medicine, including having few side effects and being relatively inexpensive.

b. Affordability and accessibility factors:

People prefer using natural medicine for healing as it is believed to have more benefits and fewer side effects compared to chemical-based medications. Additionally, chemical medications are perceived to be expensive, leading people to incur high costs for modern treatment. The importance of traditional Karo medicine to the Karo community can be seen in its everyday use. Karo people usually keep various types of traditional medicine at home as a precautionary measure in times of illness. They strongly believe that traditional medicine can maintain health, enhance immunity, and cure various illnesses.

3. The law of buying and selling "tawar mencibut" according to Islamic law is considered both forbidden and invalid. This is because the sale of "tawar mencibut" does not meet the requirements for a valid commercial transaction, which necessitates the involvement of pure and lawful items, avoiding impure and prohibited items. MUI Fatwa No. 48 of 2019 states that chipmunks have fangs, categorizing them as wild animals and thus forbidden for consumption. Consistent with this fatwa, Imam Malik in his Muwatta stated that consuming any animal with fangs is forbidden.

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